

REMARKS

This Response is submitted in reply to the Office Action mailed on April 4, 2006.

Claims 26 to 35 were previously withdrawn. Claims 1, 14, 16, and 21 have been amended. No new matter has been added by these amendments.

A Supplemental Information Disclosure Statement is submitted herewith. Please charge Deposit Account No. 02-1818 for any fee which is due and owing in connection with this Response and the Supplemental Information Disclosure Statement.

Page 2 of the Office Action states that the Information Disclosure Statement filed on January 6, 2006 incorrectly lists the applicant of U.S. Patent No. 5,851,148 as Froix et al., when in fact the applicant is Brune et al. As a result, the Office Action did not indicate that this reference was considered by the Examiner.

Applicants respectfully submit that the Office Action considered the Brune reference since the Office Action uses this reference in the rejections of Claims 4,18, and 23 (see below). Nevertheless, Applicants are submitting herewith a Supplemental Information Disclosure Statement which correctly identifies the applicant of U.S. Patent No. 5,851,148 as Brune et al.

The Office Action rejected Claim 14 under 35 U.S.C. 112 for having insufficient antecedent basis for the limitation "the particular outcome." Applicants have amended Claim 14 to replace the term "particular" with the term "designated." Accordingly, Applicants respectfully submit that this rejection has been overcome.

The Office Action rejected Claims 1, 2, 5, 6, 10, 11, 16, 17, 19, 21, 22, and 24 under 35 U.S.C. 102(b) as being obvious over U.S. Patent 6,186,894 to Mayeroff ("Mayeroff").

Mayeroff discloses a gaming device which includes a primary game having a plurality of reels and at least one payline associated with the reels. The gaming device further includes a secondary or bonus game having a plurality of reels and at least one payline associated with the reels of the bonus game. In operation, a player makes a wager on at least one of the paylines of the primary game. The gaming device spins the reels and provides to the player any awards associated with winning symbol combinations indicated on the wagered on paylines. The gaming device determines a number of spins providable to the player in the secondary game. The number of spins provided to the player in the secondary game is based on the number of paylines wagered on (or alternatively, the number of credits wagered on each payline) in the primary game. If the player achieves a designated combination of symbols in a spin of the reels in the primary game, the gaming device provides the player with the determined number of spins to play the secondary game.

Unlike the gaming device of amended independent Claim 1, Mayeroff does not disclose a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered.

The Office Action interprets Mayeroff to include a bonus meter because the gaming device tracks the number of spins that the player will be awarded for use in the secondary (or bonus) game. The Office Action states that the player receives the number of bonus spins when the player enters the bonus game (See Office Action, Page 3). Thus, in accordance with the Office Action's interpretation, the gaming device in Mayeroff determines and tracks the number of spins that the player will receive for

the bonus game before the bonus game is triggered (i.e., before the player enters the bonus game).

As a primary matter, nowhere in Mayeroff is there any teaching of a meter for tracking the number of bonus spins which is displayed in the bonus game. Moreover, even assuming that Mayeroff did include a meter to track bonus spins, as suggested by the Office Action, once the player enters the bonus game, the meter would logically decrement by one as the player uses each bonus spin. Therefore, any such bonus meter in Mayeroff is not changeable based on the second component of the wager in the base game after the bonus game is triggered. Rather, after the bonus game is triggered, the meter tracking the number of bonus spins changes depending on the number of bonus spins used. On the other hand, the gaming device of amended independent Claim 1 includes a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered.

Accordingly, for at least this reason, Applicants respectfully submit that amended independent Claim 1 and Claims 2, 5, 6, 10, and 11 which depend from amended independent Claim 1 are each patentably distinguished over Mayeroff.

Amended independent Claims 16 and 21 include certain similar elements to amended independent Claim 1. For reasons similar to those discussed above with respect to amended independent Claim 1, Applicants respectfully submit that amended independent Claims 16 and 21, and Claims 17, 19, 22, and 24 which depend from Claims 16 and 21, respectively, are each patentably distinguished over Mayeroff.

The Office Action rejected Claim 3 under 35 U.S.C. 103(a) as being obvious over Mayeroff, in view of U.S. Patent No. 4,856,787 to Itkis ("Itkis").

The Office Action admits that Mayeroff does not disclose a base game selected from a group consisting of: slot, poker, keno, and blackjack (See Office Action, page 5). However, the Office Action alleges that Itkis discloses a base game selected from a group consisting of: poker, keno, blackjack, and bingo. The Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Mayeroff to include a base game selected from a group consisting of: slot, poker, keno, and blackjack, as taught by Itkis, for the purpose of providing many games to players.

Regardless of whether it would have been obvious to modify Mayeroff in the manner proposed by the Office Action, Applicants respectfully submit that the gaming device resulting from the combination of Mayeroff and Itkis would not include a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered. As discussed above, Mayeroff does not include a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered. Similarly, Itkis does not include this feature and, therefore, does not remedy the deficiencies of Mayeroff.

On the other hand, Claim 3, which depends directly from amended independent Claim 1, includes a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is

triggered. Accordingly, for at least the reasons discussed above, Applicants respectfully submit that Claim 3 is patentably distinguished over Mayeroff and Itkis.

The Office Action rejected Claims 4, 18, and 23 under 35 U.S.C. 103(a) as being obvious over Mayeroff, in view of U.S. Patent No. 5,851,148 to Brune ("Brune").

Brune discloses a gaming device including a game wherein after each time the player places a wager to initiate a game, the gaming device increments a bonus amount stored in a bonus meter by a certain percentage of the wager. Once a play of the game initiates, the gaming device deals a simulated hand of cards to a player. If a winning combination of cards exists in the hand, the gaming device provides the player with an award. The gaming device determines the number of cards in the hand that are necessary to the winning combination and increments a counter by that number, such as by illuminating a corresponding number of indicia on the counter. The test for determining whether a card is necessary is whether the hand would win the same amount if the card were dropped from the hand. When the counter achieves a designated level (e.g., when all the indicia on the counter are illuminated), the player is awarded the bonus amount. Thus, progress toward the bonus award is achieved in connection with obtaining necessary winning cards (Col. 5, lines 49 to 51). The player must wager on several plays of the game to reach the designated level on the counter.

The Office Action admits that Mayeroff does not disclose a bonus meter that remains unchanged upon a player cashing out of a game (See Office Action, page 5). The Office Action concludes, however, that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Mayeroff to include a bonus

meter that offers a progressive jackpot, as taught by Brune, for the purpose of enabling a player to cash out of the game whenever the player chooses to do so with the progressive award remaining unaffected.

Regardless of whether it would have been obvious to modify Mayeroff in the manner proposed by the Office Action, Applicants respectfully submit that Mayeroff and Brune, either alone or in combination, do not render obvious a gaming device which includes a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered. As described above, Mayeroff does not include a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered.

In Brune, after the player places a wager to initiate a play of the game, the gaming device increments the bonus amount stored in the bonus meter by a certain percentage of the wager. The gaming device subsequently deals the player the hand of cards for that play of the game. Thus, the bonus meter in Brune is not changeable based on the second component of the wager in the base game after the bonus game is triggered. Rather, the bonus amount in the bonus meter changes, or increments, before game play even begins.

Brune also discloses a counter, whereby a player can obtain the bonus amount if the player achieves a designated level on the counter. For example, the counter includes a plurality of indicia, and one of the indicia is illuminated for each winning card obtained by the player. Therefore, the counter in Brune is not changeable based on the second component of the wager in the base game after the bonus game is triggered.

Rather, progress on the counter is based on the number of winning cards in the player's hand or hands.

Thus, Applicants respectfully submit that the gaming device resulting from combination of Mayeroff and Brune would not render obvious a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered. Accordingly, Claims 4, 18, and 23 are each patentably distinguished over Mayeroff and Brune.

The Office Action rejected Claims 7 and 8 under 35 U.S.C. 103(a) as being obvious over Mayeroff, in view of U.S. Patent No. 5,823,873 to Moody ("Moody").

On Page 6 of the Office Action, the Office Action admits that Mayeroff does not disclose that the first component of the wager is the number of hands or games played. The Office Action alleges, however, that Moody discloses a multi-hand poker game wherein the player is dealt multiple hands of cards and the player makes multiple wagers on the hands of cards. Thus, the Office Action attempts to remedy the deficiencies of Mayeroff with Moody. Specifically, the Office Action states that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Mayeroff to provide a game wherein the player's wager comprises one component relating to the wager placed on each hand and another component relating to the number of games or hands played, as taught by Moody.

Regardless of whether it would have been obvious to modify Mayeroff in the manner proposed by the Office Action, Applicants respectfully submit that Mayeroff and Moody, either alone or in combination, do not render obvious a gaming device which

includes a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered. As described above, Mayeroff does not include a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered.

Accordingly, for this reason and for the reasons discussed above with respect to independent amended Claim 1, Applicants respectfully submit that Claims 7 and 8 are each patentably distinguished over Mayeroff and Moody.

The Office Action rejected Claim 9 under 35 U.S.C. 103(a) as being obvious over Mayeroff, in view of U.S. Patent No. 6,089,976 to Schneider ("Schneider").

The Office Action alleges that Schneider discloses a primary game wherein the player is able to qualify and play a bonus game if the player wagers a maximum amount of credits and obtains a winning outcome. The Office Action states that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Mayeroff in view of Schneider to provide a gaming device wherein the player must make the maximum bet to be eligible for a bonus event (See Office Action, Page 7).

Regardless of whether it would have been obvious to modify Mayeroff in the manner proposed by the Office Action, Applicants respectfully submit that Mayeroff and Schneider, either alone or in combination, do not teach, disclose, or suggest a gaming device which includes a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered. As described above, Mayeroff does not include a meter displayed in the

bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered. Similarly, Schneider does not include this feature and, therefore, does not remedy the deficiencies of Mayeroff.

Accordingly, for this reason and for the reasons discussed above with respect to independent amended Claim 1, Applicants respectfully submit that Claim 9 is patentably distinguished over Mayeroff and Schneider.

The Office Action rejected Claim 14 under 35 U.S.C. 103(a) as being obvious over Mayeroff, in view of U.S. Patent No. 6,106,393 to Sunaga ("Sunaga").

The Office Action admits that Mayeroff does not disclose the determination of a game outcome prior to the play of the base game by the player. However, the Office Action alleges that Sunaga discloses a gaming machine which selects a plurality of random numbers which represent game outcomes for multiple future games (See Office Action, Page 7). The Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Mayeroff to provide predetermined game outcomes of games that are being played, as taught by Sunaga.

Regardless of whether it would have been obvious to modify Mayeroff in the manner proposed by the Office Action, Applicants respectfully submit that Mayeroff and Sunaga, either alone or in combination, do not teach, disclose, or suggest a gaming device which includes a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered. As described above, Mayeroff does not include a meter displayed in the bonus game which is changeable based on the second component of the wager in the

base game after the bonus game is triggered. Similarly, Sunaga does not include this feature and, therefore, does not remedy the deficiencies of Mayeroff.

Accordingly, for this reason and for the reasons discussed above with respect to independent amended Claim 1, Applicants respectfully submit that Claim 14 is patentably distinguished over Mayeroff and Sunaga.

The Office Action rejected Claims 15, 20, and 25 under 35 U.S.C. 103(a) as being obvious over Mayeroff, in view of U.S. Patent No. 6,155,925 to Giobbi ("Giobbi").

The Office Action admits that Mayeroff does not disclose a gaming device which offers different bonus games in accordance with various wagering thresholds (See Office Action, page 7). The Office Action alleges that Giobbi discloses multiple bonus games in accordance with various wagering thresholds. Thus, the Office Action attempts to remedy the deficiencies of Mayeroff with Giobbi. Specifically, the Office Action states that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Mayeroff to provide multiple bonus games that are playable in accordance with various wagering thresholds, as taught by Giobbi.

Regardless of whether it would have been obvious to modify Mayeroff in the manner suggested by the Office Action, Applicants respectfully submit that the gaming device resulting from the combination of Mayeroff and Giobbi would not include a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered. As discussed above, Mayeroff does not include a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is

triggered. Giobbi also does not include this feature and, therefore, does not remedy the deficiencies of Mayeroff.

Accordingly, for the foregoing reasons, Applicants respectfully submit that Claims 15, 20, and 25 are each patentably distinguished over Mayeroff and Giobbi.

The Office Action rejected Claims 12 and 13 under 35 U.S.C. 103(a) as being obvious over Mayeroff, in view of U.S. Patent No. 5,833,537 to Barrie (“Barrie”).

On Page 9 of the Office Action, the Office Action admits that Mayeroff does not disclose a gaming device controlled through a data network or internet. However, the Office Action alleges that Barrie discloses a gaming device that is controlled through a data network or internet. The Office Action attempts to remedy the deficiencies of Mayeroff with Barrie. Specifically, the Office Action states that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Mayeroff to provide a gaming device that is controlled through a data network or internet, as taught by Barrie.

Regardless of whether it would have been obvious to modify Mayeroff in the manner proposed by the Office Action, Applicants respectfully submit that Mayeroff and Barrie, either alone or in combination, do not teach, disclose, or suggest a gaming device which includes a meter displayed in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered. As described above, Mayeroff does not include a meter displayed in the bonus game which is changeable based on the second component of the wager in the

base game after the bonus game is triggered. Similarly, Barrie does not include this feature and, therefore, does not remedy the deficiencies of Mayeroff.

Accordingly, for this reason and for the reasons discussed above with respect to amended independent Claim 1, Applicants respectfully submit that Claims 12 and 13 are each patentably distinguished over Mayeroff and Barrie.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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